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**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

In re:

MUSCLEPHARM CORPORATION,  
  
Debtor.

Case No.: 22-14422-NMC

Chapter 11

WHITE WINSTON SELECT ASSET FUNDS,  
LLC,

Plaintiff,

THE OFFICIAL COMMITTEE OF  
UNSECURED CREDITORS,

Intervenor Plaintiff,

v.

EMPERY TAX EFFICIENT LP, EMPERY TAX  
EFFICIENT III, EMPERY DEBT  
OPPORTUNITY FUND, LP, EMPERY  
MASTER ONSHORE, LLC, IONIC  
VENTURES, LLC, INTRACOASTAL  
CAPITAL LLC, BIGGER CAPITAL FUND, LP,  
DISTRICT 2 CAPITAL FUND LP, LICAPITAL  
GLOBAL OPPORTUNITIES MAASTER  
FUND, ALTIUM GROWTH FUND, LP, CVI  
INVESTMENT INC., ROTH CAPITAL  
PARTNERS, LLC, and WALLEYE  
OPPORTUNITY MASTER FUND LTD.

Adv. P. No. 23-01014-NMC

Defendants.

**SECOND STIPULATION TO EXTEND DEADLINE TO FILE AMENDED  
INTERVENOR COMPLAINT AND RESPOND TO COMPLAINTS**

Defendants Empery Tax Efficient LP, Empery Tax Efficient III, Empery Debt Opportunity Fund, LP, Empery Master Onshore, LLC, Ionic Ventures, LLC, Intracoastal Capital LLC, Bigger Capital Fund, LP, District 2 Capital Fund LP, L1Capital Global Opportunities Master Fund, Altium Growth Fund, LP, CVI Investment Inc., Roth Capital Partners, LLC, and Walleye Opportunity Master Fund Ltd (together, the “Empery Parties”),<sup>1</sup> White Winston Select Asset Funds, LLC (“White Winston”), and the Official Committee of Unsecured Creditors (the “Committee” and, together with the Empery Parties and White Winston the “Parties”), by and through their respective undersigned counsel, hereby stipulate as follows:

1. On December 15, 2022, MusclePharm Corporation (the “Debtor”) filed its voluntary petition for relief under Chapter 11, thereby commencing the above-captioned Chapter 11 case (the “Chapter 11 Case”). See Case No. 22-14422-NMC, ECF No. 1.

2. On March 8, 2023, the Bankruptcy Court entered the *Final Order Regarding Emergency Motion for Interim and Final Orders Pursuant to 11 U.S.C. §§ 105, 361, 362, 363, and 364 and Fed. R. Bankr. P. 4001(B) and 4001(D): (I) Authorizing the Debtor to Obtain Post-Petition Financing; (II) Granting Priming Liens and Administrative Expense Claims; (III) Determining Adequate Protection; (IV) Modifying the Automatic Stay; and (V) Granting Related Relief [Bankr. Docket No. 296]* (the “Final DIP Order”) in the Chapter 11 Case. *Id.*, at ECF No. 296.

3. Paragraph 4 of the Final DIP Order provides as follows:

**Approval of the Challenge Periods.** The Committee shall have until April 10, 2023 (such period, the “Committee Challenge Period”) to investigate and challenge and otherwise object to the allowance of the Allowed Claim (defined below). The Releases (included in this Final Order and which are included in the Loan Documents) are not a defense to a claim objection brought by the Committee during the Committee Challenge Period. White Winston shall have until March 9, 2023

<sup>1</sup> The Empery Parties specially appear for the sole purpose of entering into this stipulation, but do not waive any defenses or other challenges to the Complaint and/or Amended Complaint.

1 (such period, “White Winston Challenge Period,” and together with the Committee  
2 Challenge Period, the “Challenge Periods”) to investigate, challenge and otherwise  
3 object to the allowance of the Allowed Claim (other than challenges and objections  
based upon the Debtor’s or the Estate’s claims). . .

4 4. On March 9, 2023, White Winston filed a complaint (the “Complaint”) thereby  
5 commencing the above-captioned adversary proceeding. See ECF No. 1.

6 5. The Empery Parties’ response to the White Winston Complaint was due on or  
7 before April 10, 2023 (the “Response Deadline”).

8 6. On April 4, 2023, this Court entered an *Order Granting Emergency Motion of the*  
9 *Official Committee of Unsecured Creditors to Intervene in Adversary Proceeding* [ECF No. 29];

10 7. Empery was advised of an intent to file an amended intervenor complaint (the  
11 “Amended Complaint”) within the Committee Challenge Period, which was April 10, 2023.

12 8. The Parties then met and conferred and agreed to extend the deadline for the filing  
13 of the Amended Complaint up to and including April 24, 2023, and that the filing of such Amended  
14 Complaint would be deemed to have been filed within the Committee Challenge Period if it is filed  
15 on or before April 24, 2023.

16 9. On April 13, 2023, this Court entered an *Order Granting Stipulation to Extend*  
17 *Deadline to File Amended Intervenor Complaint and Respond to Complaints* [ECF No. 33].

18 10. The Parties further met and conferred and agreed to extend the deadline for the  
19 filing of the Amended Complaint up to and including May 1, 2023, and agreed that the filing of  
20 such Amended Complaint shall be deemed to have been filed within the Committee Challenge  
21 Period if it is filed on or before May 1, 2023.

22 . . .

23 . . .

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26 . . .

11. The Parties have met and conferred and also agreed to extend the Response Deadline for the Empery Parties to file an answer of otherwise respond to the Complaint and/or the Amended Complaint, as applicable, to 30 days after the filing of the Amended Complaint.

**IT IS SO STIPULATED.**

Dated this 24th day April, 2023.

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